

Attachment to Form PTO/SB/64

Attorney Docket No. BULK 3.3-086

First Named Inventor: Venkataraman SUNDARAM

Application No.: 10/595,794

(U.S. National Phase Filing of PCT/US 2004/038490)

For: PREPARATION OF ESCITALOPRAM

**RECEIVED  
CENTRAL FAX CENTER**JAN 30 2007STATEMENT ESTABLISHING UNINTENTIONAL DELAY

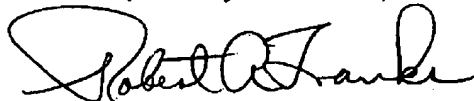
A Notification of Abandonment for the subject application was mailed on January 24, 2007. This abandonment occurred due to failure to pay the required fees by the deadline of May 12, 2006, which was 30 months following the earliest claimed priority date.

On May 11, 2006 the undersigned attorney submitted electronically a fee worksheet listing the fees required for entry of the application into the national phase, but did not submit a Form PTO-1390 or pay the fees. No reminder to pay the fees was entered into the attorney's computer docketing system, for presently unknown reasons. The failure to submit a Form PTO-1390 was an error by the attorney, and is considered to be a result of the attorney's unfamiliarity with the electronic filing system.

There was no intent to abandon the subject application, and the fees were not paid due to an accumulation of errors.

Please charge the petition fee under 37 C.F.R. § 1.17(m) in the amount of \$1,500.00 to Deposit Account No. 50-3221, in the name of Dr. Reddy's Laboratories, Inc.

Respectfully submitted,



Robert A. Franks  
Reg. No. 28,605  
Attorney for Applicants

January 30, 2007

JAN 30 2007

PTO/SB/84 (07-08)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
 ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

BULK 3.3-086

First named inventor: Venkataraman SUNDARAM

Application No.: 10/595,794

Art Unit:

Filed:

Examiner:

Title: PREPARATION OF ESCITALOPRAM

Attention: Office of Petitions  
 Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Form PTO-1390 (identify type of reply):

☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The Issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/01/2007 AWONDAF1 00000045 503221 10595794

01 FC:1453 1500.00 DA

PTO/SB/64 (07-08)

Approved for use through 09/30/2006, OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Robert A. Franks  
Signature

January 30, 2007

Date

Robert A. Franks

Typed or printed name

28,605

Registration Number, if applicable

Dr. Reddy's Laboratories, Inc.

Address

908-203-6504

Telephone Number

200 Somerset Corporate Blvd., 7th Floor, Bridgewater, NJ 08807

Address

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Form PTO-1390 (3 pages); Forms PTO/SB/01 and 02A (4 pages)**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

January 30, 2007

Date

Robert A. Franks  
Signature

Robert A. Franks

Typed or printed name of person signing certificate